etc. Ry. v. *Mugg* (1906) 202 U. S. 242, 26 Sup. Ct. 628. Consequently, if a carrier through its agent misquotes the published rate for the interstate transportation of a commodity, and an undercharge thereby results, the amount undercharged can be recovered from the consignor, *Baltimore etc. Ry.* v. *New Albany Box, etc. Co.* (1911) 48 Ind. App. 647, 94 N. E. 906; *Georgia R. R.* v. *Creety* (1909) 5 Ga. App. 424, 63 S. E. 528, or from the consignee. See 17 Columbia Law Rev. 553. It would not be a defense to such an action to assert that the carrier is estopped by the act of its agent from repudiating its contract, inasmuch as, the contract upon which the consignor relies is in itself illegal. *Louisiana Ry. & Nav. Co.* v. *Holly* (1911) 127 La. 615, 53 So. 882; *Baltimore etc. Ry.* v. *New Albany Box etc. Co., supra.* In accordance with the same reasoning, a consignor is entitled to recover overcharges, resulting from the imposition of an unreasonably excessive rate, irrespective of the profits accruing from his business, or the fact that he has taxed the consignee for the overcharge. See *New York etc. R. R.* v. *Ballou & Wright* (C. C. 1917) 242 Fed. 862; *Burgess* v. *Transcontinental Freight Bureau* (1908) 13 I. C. C. R. 668, 680; *Kindelon* v. *Southern Pac. Co.* (1909) 17 I. C. C. R. 251, 254. Reparation is due to the party who was required to pay the excessive charge as the price of transportation, and it is an immaterial issue, whether or not a court of equity will compel the consignor to hold the amount recovered in trust for the consignee. See *Nicola, etc. Co.* v. *Louisville, etc. R. R.* (1908) 14 I. C. C. R. 199.

CONSTITUTIONAL LAW—DUE PROCESS OF LAW—LIMITATION OF ACTIONS.—Where the state legislature passed a statute, limiting to 60 days the time within which a tax could be contested, the plaintiff attacked the tax on the ground that it was both illegal and unconstitutional. *Held,* that a plaintiff could be denied relief after the statutory period had elapsed, and was not thereby deprived of his property without due process of law. *Morgan's Louisiana, etc. Co.* v. *Tax Collector* (La. 1917) 76 So. 606.

Statutes are frequently found in which it is provided that objections to assessments must be made within some short space of time, and if not so made shall be deemed to be waived, *Loomis* v. *City of Little Falls* (1903) 176 N. Y. 31, 68 N. E. 105, the intention of the legislature being to provide a prompt and speedy method of determining the validity of the assessment and the proceedings leading thereto, so that securities based on such assessments be reasonably free from subsequent impeachment. See *Loomis* v. *City of Little Falls, supra;* 2 Page and Jones, Taxation by Assessment, § 918. Such provisions are treated as statutes of limitation, *City of Denver* v. *Campbell* (1905) 33 Colo. 162, 80 Pac. 142, and have been held to be constitutional and not violative of the requirement of due process of law, *Lent* v. *Tillson* (1887) 72 Cal. 404, 14 Pac. 71 aff'd., 140 U. S. 316, 11 Sup. Ct. 825, on the ground that the plaintiff is not thereby deemed to have waived any of his rights under the federal constitution. *Turner* v. *New York* (1897) 168 U. S. 90, 18 Sup. Ct. 38. Such waiver extends only to mere irregularities in procedure or to the illegality of the tax because of nonconformity with the state statute, *Howell* v. *City of Tacoma* (1892) 3 Wash. 711, 29 Pac. 447; see *Ramish* v. *Hartwell* (1899) 126 Cal. 443, 58 Pac. 920, but it does not include objections under the federal constitution. If the decision in the principal case stands for the proposition that a failure to interpose objections within the statutory period is a waiver of all defects which are merely formal

it can be supported, but if it be taken to mean that the legislature may limit the time in which the question of constitutionality may be raised, as the court seems to intimate, the decision is questionable.

CONSTITUTIONAL LAW—VALIDITY OF STATUTORY PRESUMPTION.—The defendant was convicted under a federal statute which provided that the possession of opium should be deemed sufficient evidence to authorize conviction, unless the accused should explain such possession to the satisfaction of the jury. It further provided that on or after July 31, 1913, all smoking opium should be presumed to have been imported after April 1, 1909, on which date the importation of opium was prohibited. The plaintiff assailed the constitutionality of these provisions. *Held,* that the statute was valid. *Ng Choy Fong* v. *United States* (9 C. C. A., 1917) 245 Fed. 305.

The weight of authority sustains the power of the legislature to prescribe rules of evidence, in both civil and criminal cases, *Mobile etc. R. R.* v. *Turnipseed* (1910) 219 U. S. 35, 42, 31 Sup. Ct. 136; *State* v. *Thomas* (1906) 144 Ala. 77, 40 So. 271, since there is no vested right in such rules. *Meadowcroft* v. *People* (1896) 163 Ill. 56, 45 N. E. 303; Cooley, Const. Lim. (7th ed.) 524. This power is, however, subject to certain limitations. No rule of evidence may be enacted, which makes one fact *prima facie* evidence of another, unless there is such a relationship between the fact proved and the fact presumed that the latter may reasonably be inferred from proof of the former; *People* v. *McBride* (1908) 234 Ill. 146, 171, 84 N. E. 865; *Mobile etc. R. R.* v. *Turnipseed, supra*; nor may any presumption be made conclusive, if the party is thereby deprived of his constitutional right to an opportunity for a trial. *Missouri, K. & T. Ry.* v. *Simonson* (1902) 64 Kan. 802, 68 Pac. 653; Cooley, *op. cit.* 526; 2 Columbia Law Rev. 493. The constitutionality of statutes similar to the one in the instant case, providing that upon proof of certain facts criminal intent may be inferred, is now established. *United States* v. *Yee Fing* (D. C. 1915) 222 Fed. 154; *People* v. *Cannon* (1893) 139 N. Y. 32, 34 N. E. 759. It is to be noted that such statutes do not operate to deprive the accused of the so-called presumption of innocence, but merely create a presumption of guilty knowledge, *Board of Comm'rs of Excise etc.* v. *Merchant* (1886) 103 N. Y. 143, 8 N. E. 484; *People* v. *Cannon, supra*; 2 Wigmore, Evidence, § 1354 (3), the effect of which, like that of any true presumption, is merely to shift the burden of going forward with evidence But the prosecution is not thereby released from the burden of establishing its case. *Commonwealth* v. *Williams* (1856) 72 Mass. 1. The principal case, therefore, is sound, inasmuch as the rule of evidence prescribed by the legislature affords the defendant a fair opportunity to submit his defense to the jury.

CONTRACTS—INADEQUACY OF CONSIDERATION—BASTARDS.—In a bastardy proceeding pursuant to statute it appeared that before the commencement of the action the defendant had prevailed upon the plaintiff to accept twenty-five dollars in full satisfaction and discharge of said action. *Held,* that the former contract being founded upon an inadequate consideration was not a bar to the present suit. *Burr* v. *Phares* (W. Va., 1917) 94 S. E. 30.

The rule is well settled that if there be any consideration the court will not inquire into the adequacy of it, *Brooks* v. *Haigh* (1840) 10